

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KELLEY R. MANDOLINI

Plaintiff,

v.

ARSTRAT, LLC,

Defendant.

Case No. 1:19-cv-06106

Honorable John J. Tharp

Honorable Gabriel A. Fuentes
Magistrate Judge

INITIAL STATUS REPORT

Pursuant to the Court's September 24, 2019 MINUTE entry (Dkt. No. 7) and Fed. R. Civ. P. 26(f), the parties jointly submit the following initial status report.

1. The Nature of the Case:

A. Identify (names and contact information) for all attorneys of record for each party, including the lead trial attorney.

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Counsel for Arstrat, LLC

Counsel for Kelley R. Mandolini

B. Briefly describe the nature of the claims asserted in the complaint and any Counterclaims and/or third party claims.

Stating an incorrect amount of the debt undeniably violates section 1692e(2)(A). *See McDermott v. Marcus, Errico, Emmer & Brooks, P.C.*, 911 F. Supp. 2d 1, 59 (D. Mass. 2012); *Hepsen v. Resurgent Capital Services, LP*, 383 Fed. Appx. 877, 2010 WL 2490734, at *3 (11th Cir. 2010). Plaintiff alleges Defendant violated 15

U.S.C. § 1692e(2)(A) by falsely representing that Plaintiff owed \$200.00 and \$73.78 respectively, when in fact, she did not and owed \$20.00 less as result of Plaintiff's May 31, 2019 \$20.00 payment.

C. Briefly identify the major legal and factual issues in the case.

(1) Whether Defendant used false, deceptive, or misleading representation or means in connection with the collection of Plaintiff's account(s)? (2) Whether Defendant falsely represented the character, amount, or legal status of Plaintiff's debt(s)?

D. State the relief sought by any of the parties.

Plaintiff seeks an award of any actual damages sustained by Plaintiff as result of Defendant's FDCPA violations; an award of such additional damages, as the Court may allow, but not exceeding \$1,000.00; and an award of costs of this action, together with reasonable attorney's fees as determined by the Court.

2. Jurisdiction:

A. Identify all federal statutes on which federal question jurisdiction is based.

Fair Debt Collection Practices Act (the "FDCPA") 15 U.S.C. § 1692 *et seq.*

B. If jurisdiction over any claims is based on diversity or supplemental jurisdiction:

(1) State whether/why the amount in controversy exceeds the jurisdictional threshold or whether there is a dispute regarding the amount in controversy (and, if so, the basis of that dispute).

N/A

(2) Identify the state of citizenship of each named party. For unincorporated associations, LLC's, partnerships and other business entities that are not corporations, the state(s) in which any individual members of the business unit are citizens must be identified.

N/A

3. Status of Service:

A. Identify any defendants that have not been served.

None.

4. Consent to Proceed Before a United States Magistrate Judge:

- A. Confirm that counsel have advised the parties that they may proceed before a Magistrate Judge if they consent unanimously and advise whether there is, or is not, unanimous consent.**

Counsel have advised the parties that they may proceed before a Magistrate Judge if they consent unanimously; however, there is not, unanimous consent.

5. Motions:

- A. Briefly describe any pending motions.**

None.

- B. State whether the defendant(s) anticipate responding to the complaint by filing an Answer or by means of motion.**

ANSWER to Complaint with Jury Demand by Defendant was filed on October 11, 2019 [Dkt. #10].

6. Status of Settlement Discussions:

- A. Indicate whether any settlement discussions have occurred;**

None.

- B. Describe the status of any settlement discussions; and**

None.

- C. Whether the parties request a settlement conference.**

No; at this time.

DATED: October 22, 2019

Respectfully submitted,

/s/ Joseph S. Davidson

/s/ Matthew P. Connelly

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